

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

STINGRAY MUSIC USA, INC.,

Plaintiff,

v.

MUSIC CHOICE,

Defendants.

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No. 2:16-CV-00586-JRG-RSP

(lead case)


No. 2:16-CV-00964-JRG-RSP

**ORDER**

The above entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report and Recommendation (Dkt. No. 119) by Magistrate Judge Payne, which recommends that Music Choice's Motion to Dismiss (Dkt. No. 62) be denied. Neither party has filed objections to the Report and Recommendation.

Having considered the Report, **IT IS ORDERED** that Magistrate Judge Payne's Report and Recommendation (Dkt. No. 119) is hereby **ADOPTED**. Music Choice's Motion to Dismiss (Dkt. No. 62) is therefore **DENIED**.

**So ORDERED and SIGNED this 6th day of September, 2017.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE